

00862.001922

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

YUICHI HIGUCHI, et al.

Application No.: 08/909,966

Filed: August 12, 1997

For: PRINTING APPARATUS AND  
ITS CONTROL METHOD

Examiner: D. Tran

Group Art Unit: 2624

September 17, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450Certificate of TransmittalI hereby certify that this correspondence is being  
facsimile transmitted to the Patent and Trademark  
Office:

on 9/17/03

Date

Signature

ANDREW A. MICKELSON  
Name of person signing certificateREQUEST FOR OFFICE ACTION

OFFICIAL

Sir:

On May 14, 2001, Applicants filed a Continued Prosecution Application in the above-identified application. After not receiving any communication from the Patent Office for fourteen months, Applicants' undersigned representative contacted the Examiner by telephone to determine the status of the application. At the Examiner's request, a copy of the originally filed Continued Prosecution Application Request Transmittal was faxed to the Examiner on August 1, 2002.

On February 19, 2003, Applicants still had not received any communication from the Patent Office concerning the Continued Prosecution Application and therefore filed a Status Request with the Patent Office requesting the status of the application.

To date, Applicants still have not received any communication from the Patent Office concerning the Continued Prosecution Application filed on May 14, 2001. Applicants' undersigned representative again contacted the Examiner by telephone to inquire on the status of the application and was instructed by the Examiner to fax another copy of the Continued Prosecution Application Request Transmittal to the Patent Office.

A copy of the Continued Prosecution Application Request Transmittal filed May 14, 2001, together with a date-stamped postcard evidencing receipt by the Patent Office, is attached. Applicants respectfully request an action on the merits as soon as possible.

Applicants' undersigned attorney may be reached in our Costa Mesa, California, office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

  
Attorney for Applicants

Registration No. 50,957

RECEIVED  
CENTRAL FAX CENTER  
SEP 22 2003

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-2200  
Facsimile: (212) 218-2200

CA\_MAIN 70028 v 1

OFFICIAL



## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☒ **DUPLICATE**

Address to:

Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.

862.1922

First Named Inventor

Yuichi Higuchi, et al.

Examiner Name

D. Tran

Group Art Unit

2624

Express Mail Label No.

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08/909,966  
filed on August 12, 1997, entitled PRINTING APPARATUS AND ITS CONTROL METHOD

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-4-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

1. ☒ Enter the unentered amendment previously filed on April 17, 2001  
under 37 CFR § 1.116 in the prior nonprovisional application.
2. a. ☐ A preliminary amendment is enclosed.
- b. ☐ The applicant(s) presently intend(s) to file additional papers in this case shortly. Should the Examiner take this case up for action before receiving such papers, it is respectfully requested that the Examiner contact the attorneys for the applicant(s).
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR § 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventors to be deleted are set forth on a separate sheet attached hereto.
4. ☐ An Associate Power of Attorney is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

+

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR § 1.16(c) or (j))		52 - 20 =	32	X \$ 18.00 =	\$ 576.00
INDEPENDENT CLAIMS (37 CFR § 1.16(b) or (i))		19 - 3 =	16	X \$ 80.00 =	\$ 1,280.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR § 1.16(d))				\$270.00 =	\$ 0.00
				BASIC FEE (37 CFR § 1.16(a))	\$ 710.00
Total of above Calculations =					\$ 2,566.00
Reduction by 50% for filing by small entity (Note 37 CFR §§ 1.9, 1.27, 1.28).					
TOTAL =					\$ 2,566.00

## 6. Small entity status

- a. ☐ A Small entity statement is enclosed
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. ☐ Small entity status: Applicant claims small entity status. See 37 CFR § 1.27.8. ☒ A check in the amount of \$2,566.00 is enclosed.

9. The Commissioner is hereby authorized to credit overpayments or charge deficiencies in the following fees to Deposit Account No. 06-1205:

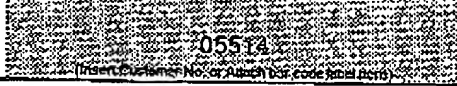
- a. ☒ Fees required under 37 CFR § 1.16.
- b. ☒ Fees required under 37 CFR § 1.17.
- c. ☐ Fees required under 37 CFR § 1.18.

10. ☐ Applicant requests suspension of action under 37 CFR § 1.103(b) for \_\_\_\_\_ months. (Fee of \$ \_\_\_\_\_ required under 37 CFR § 1.17(i) is enclosed).11. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A).b. ☒ Return Receipt Postcard (Should be specifically itemized. See MPEP 503).12. ☐ Other \_\_\_\_\_

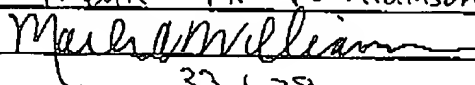
## NOTE:

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below

## 13. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/>	Customer Number or Bar Code Label		or	<input type="checkbox"/>	New correspondence address below
NAME					
ADDRESS					
CITY		STATE	ZIP CODE		
COUNTRY	TELEPHONE		FAX		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	Mark A. Williamson
SIGNATURE	
REGISTRATION NO.	33,628
DATE	May 14, 2001

Director, the Commissioner for Patents  
Washington, D.C. 20231

Date 5, 14, 01  
Mo Day Yr

App. Docket 82, 1922

App. No. 08, 909, 946

Sir:

Kindly acknowledge receipt of the accompanying:

- ☐ Specifications, claims and abstract \_\_\_\_\_ pages, with Transmittal Form
- ☐ Oath or Declaration and Power of Attorney ☐ Executed ☐ Not Executed
- ☐ \_\_\_\_\_ Sheets of \_\_\_\_\_ formal \_\_\_\_\_ informal drawings
- ☒ Check for \$ 2,516.00 (filing fee)
- ☐ Small entity declaration
- ☐ Assignment, PTO-1595 and Check for \$ \_\_\_\_\_
- ☒ Transmittal Under 37 CFR 1.53(d) (CPA)
- ☐ Petition under 37 CFR 1.136 and check for \$ \_\_\_\_\_
- ☐ Other (specify) \_\_\_\_\_

by placing your receiving date stamp hereon and mailing 2400 to deliverer.

This is a ☒ Continuation ☐ Divisional ☐ Continuation-in-Part

App. MON

Due Date 5, 13, 01  
Mo Day Yr

37 CFR 1.8 ☐  
37 CFR 1.10 ☐  
By Hand ☒



FCH&S-53

## FITZPATRICK, CELLA, HARPER &amp; SCINTO

650 Town Center Drive  
Suite 1600  
Costa Mesa, California 92626-7130  
(714)540-8700

Facsimile: (714)540-9823

## FACSIMILE COVER SHEET

TO: Examiner D. Tran  
U. S. Patent & Trademark Office  
Group Art Unit 2624

FROM: Andrew D. Mickelsen, Reg. No. 50,957

RE: U.S. Application No. 08/909,966  
Atty. Docket No.: 00862.001922

FAX NO.: (703) 872-9306

DATE: September 17, 2003

NO. OF PAGES: 6  
(including cover page)

TIME: 3:40 P.M.

SENT BY: LS

## MESSAGE

## Attachments:

- 1) Request For Office Action
- 2) Copy of Continued Prosecution Application Request Transmittal filed May 14, 2001
- 3) Copy of date-stamped postcard

Continuation of Transmittal

I hereby certify that this correspondence is being  
transmitted to the Patent and Trademark  
Office

on 9/17/03

Date

Signature

ANDREW D. MICKELSEN  
Name of person signing certificate

Note: We are transmitting from a Canon Model FAX-L770  
(compatible with any Group I, Group II or Group III machine).

THIS FACSIMILE MESSAGE AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE INDICATED ABOVE. INFORMATION THAT IS PRIVILEGED OR OTHERWISE CONFIDENTIAL MAY BE CONTAINED THEREIN. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, REVIEW OR USE OF THIS MESSAGE, DOCUMENTS OR INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR FACSIMILE AND MAIL THE ORIGINAL TO US AT THE ABOVE ADDRESS. THANK YOU.